THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 19766 OF 2006

DATED: 22.09.2006

Between:

Appari Venkata Rao S/o Subbanna,
R/o Nallamilli village, Amalapuram Mandal,
East Godavari District.

...
PETITIONER

And:

Malleswara swamy temple,
rep., by its Chairman M.Venkata Raju,
Nallamilli village, Janupalli Post,
Amalapuram Mandal, East Godavari District
and another.

...**RESPONDENTS**

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W.P.NO. 19766 OF 2006

ORAL ORDER:

The petitioner was granted lease of an agricultural land of an extent Acs.3.80 cents in Rs.No.49/3, Nallamilli Village, Amalapuram Mandal, East Godavari District, belonging to the first respondent-Devasthanam. The petitioner states that he has been cultivating the land since past 40 years. The petitioner does not plead, demonstrate or establish before this Court that he was ever granted a formal lease by or on behalf of the first respondent-Devasthanam. It is not pleaded that the petitioner was granted lease of the property in question by a process of public auction, after due execution of a lease deed on approval of the competent authority, as required under the A.P. Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules 2003. Be that as it may. The petitioner admits at the admission hearing of this writ petition that his earlier "lease" stood determined by 30.06.2006.

While so, the first respondent notified a public auction for grant of future leasehold rights of the lands of the first respondent-Devasthanam, including the land in the *de facto* cultivation of the petitioner, for the years 2006 to 2009. The

auction was held on 10.07.2006. The petitioner states that he was not aware of this notification and therefore, he did not participate in the auction. He, however, states that he has now raised a paddy crop on the land in question and therefore, he should not be dispossessed and the first respondent be directed to conduct re-auction, so that he may also participate.

The entire factual framework and legal assumptions, on the basis of which this writ petition is filed, are misconceived. The petitioner has no right or legitimate expectation for continuing on the property after 30.06.2006, which even as per the petitioner is the period by which the pre-existing "lease" in his favour stood determined. The petitioner does not even establish that he was a lawful lessee earlier, but that is besides the point. Since he has no right or legitimate expectation of continuance after 30.06.2006, the petitioner could not have, as a rational person, invested any amounts and raised a paddy crop. Irrational conduct is not protected by law.

There are no merits. The writ petition is dismissed at the stage of admission. There shall be no order as to costs.

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22.09.2006

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